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2 United States v. Luis Gomez-Dominguez

3 Case No. 08cr1003-WQH

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EXHIBIT A

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10
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12

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15 (HONORABLE WILLIAM Q HAYES)

16
17 UNITED STATES OF AMERICA,) CASE NO. 08CR1003-WQH
18 Plaintiff,)
19 v.) DECLARATION OF LUIS GOMEZ
20 LUIS GOMEZ,)
21 Defendant.)
22
23

24 I, LUIS GOMEZ, state as follows, under penalty of perjury:

25
26
27
28 1

1. I was arrested on March 4, 2008.
2. I was questioned by agents.
3. They told me I had a right to an attorney.
4. I understood them to mean that I could have an immigration attorney.

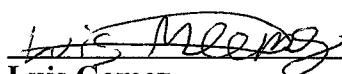
1
2 5. I did not know I could have a criminal attorney.
3
4 I swear that to the best of my knowledge and memory, the foregoing is true and correct this ____th
5
6 
7 Luis Gomez
8 Declarant
9
10
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EXHIBIT B

Translated transcript

Video Recorded Interview

of

Luis Manuel Gomez Dominguez

March 4, 2008

U.S. v Luis Manuel Gomez Dominguez

Legend:

BEAN: Border Patrol Agent Bean

FOREMAN: Border Patrol Agent Foreman

GOMEZ: Luis Manuel Gomez Dominguez

[UI] : Unintelligible utterance

[IA]: Inaudible answer.

***Italics*: Spoken in English**

[OV] : Overlapping voices.

[PH]: Phonetic

1

2

00:00:0800:00:08

3

BEAN: *The following is a statement under oath before Border Patrol Agent Mayan [PH] Bean as witnessed by Border Patrol Agent Demone [PH] Foreman at the Imperial Beach Border Patrol Station in San Diego, California. The statement is being given by Luis Manuel Gomez Dominguez, the subject being charged with 8 USC 1326, felony re-entry after deportation. The current date is March 4th, 2008. The current time is 1:42 p.m. Do you want to talk to me in English or Spanish?*

4

GOMEZ: In Spanish.

5

BEAN: Your administrative rights do not apply anymore. You are being sued [SIC] criminal charges for your illegal re-entry to the United States. Since you are not citizen of the United States and be arrested [SIC] or detained you have the right to ask us to notify the consular officials of your country here in the United States about your situation. You also have the right to communicate with the consular officials of your country. Among other things, a consular official of your country can help you obtain legal counseling, get in contact with your family and visit you in jail. If you wish us to notify the consular officials of your country, you may request it now or at any opportunity in the future. Do you wish us to notify the consular officials of your country now?

23

GOMEZ: Yes.

24

00:01:5800:01:58

25

BEAN: *Time is 1:43. Before we ask you any question, you must understand your rights. You have the right to remain silent.*

1
2 Anything that you say can be used against you in a court of law
3 or in any administrative or immigration proceeding. You have the
4 right to speak with an attorney so that he may advise you before
5 we ask you some question, and to have him present with you during
6 the questions. If you do not have the money to hire an attorney,
7 one can be provided to you before we ask you some question, if
8 you wish. If you decide to answer our questions now, without
9 having an attorney present, you will always have the right to
10 stop answering whenever you like. You also have the right to stop
11 answering whenever you like, until you can speak with an
12 attorney. Do you understand - -

13 **GOMEZ:** Yes.

14 .. **BEAN:** - - each of your rights the way I have read them to you?

15 **GOMEZ:** Yes.

16 **BEAN:** Place your initials here, please.

17 **GOMEZ:** [UI] also?

18 **BEAN:** Not yet, let me read [UI]. Are you willing to answer my
19 questions without having an attorney present?

20 **GOMEZ:** Yes.

21 **BEAN:** Initials here below. And now signs [SIC] your name here.

22 **GOMEZ:** [UI]

23 00:03:5900:03:59

24 **BEAN:** Okay. After we have- finish this interview, we are going to
25 give you the opportunity to talk to the consulate. Do you
understand?

1

2

GOMEZ: [IA]

3

BEAN: I am officer of the Customs and Border Protection
4
Department, authorized by law to administer oaths and to take
5
testimony in connection with the enforcement of the immigration
6
and naturalization laws of the United States. I wish to take
7
your- you wish to take- I wish to take your sworn statement
8
related to your illegal re-entry to the United States. Sir, your
9
statement is being registered in a video-tape recorder. Do you
10
understand?

11

GOMEZ: Yes.

12

BEAN: Do you swear that all the statements that you are about to
13
make will be the truth, the entire truth and nothing but the
14
truth, so help you God?

15

GOMEZ: Yes.

16

BEAN: Are you under the influence of drugs, alcohol, medication,
17
at this moment?

18

GOMEZ: No.

19

FOREMAN: *Dude.*

20

BEAN: *What?*

21

FOREMAN: *[UI] 'cause the camera is not working.*

22

BEAN: *What's not working? Is it recording?*

23

FOREMAN or BEAN: *Yes.*

24

[VIDEO OFF]

25

[PAUSE] [VIDEO ON]

[WHISPERING, VOICES CANNOT BE DISTINGUISHED]

1

2 **FOREMAN or BEAN:** *No, it wasn't. Now it is. The DVD was recording . . . but the camera*
3 *wasn't.*

4 **FOREMAN or BEAN:** *The camera doesn't have to 'cause it doesn't have to record on tape.*
5 *It's just feeding straight to the - -*

6 **FOREMAN or BEAN:** *[UI]*

7 **FOREMAN or BEAN:** *DVD, yeah.*

8 **FOREMAN or BEAN:** *Okay.*

9 **FOREMAN or BEAN:** *[UI] say it's recording now [UI] the camera [UI]a tape [UI] it*
10 *doesn't have to. Should we stop and see real quick if the DVD?*

11 **FOREMAN or BEAN:** *[UI] just pause.*

12 [PAUSE] [BLEEP] [VIDEO OFF]

13 [VIDEO ON]

14 **FOREMAN or BEAN:** *[UI]*

15 **FOREMAN or BEAN:** *What's that?*

16 **FOREMAN or BEAN:** *You can see if it's recording now on the uhm, the DVD, then it's*
17 *recording.*

18 **FOREMAN or BEAN:** *It's recording on the DVD, yeah.*

19 **FOREMAN or BEAN:** *But if I stop this, you think it will be alright?*

20 **FOREMAN or BEAN:** *[UI] Alright.*

21 **BEAN:** *Are you under the influence of drugs, alcohol, medication,*
22 *at this time?*

23 **GOMEZ:** *No.*

24 **BEAN:** *Are you willing to answer my questions at this time without*
25 *having an attorney present?*

GOMEZ: *Yes.*

1

2 **BEAN:** Do you swear that all your statements that you are going to
3 make are [SIC] the truth, the whole truth and nothing but the
4 truth, so help you God?

5 **GOMEZ:** Yes.

6 **BEAN:** What is your true and correct name?

7 **GOMEZ:** Luis Manuel Gomez Dominguez.

8 **BEAN:** Have you used some other names?

9 00:07:0800:07:08

10 **GOMEZ:** No.

11 **BEAN:** What country are you citizen of?

12 **GOMEZ:** Mexico.

13 **BEAN:** What is your date of birth?

14 **GOMEZ:** January 10 of '88.

15 **BEAN:** '88?

16 **GOMEZ:** Uh-huh.

17 **BEAN:** And where were you born?

18 **GOMEZ:** In Mexico.

19 **BEAN:** What state?

20 **GOMEZ:** Toluca.

21 **BEAN:** What city?

22 **GOMEZ:** Toluca, it is the city of Toluca.

23 **BEAN:** Have you ever been ordered deported, excluded or removed
24 from the United States?

25 **GOMEZ:** Yes.

1

2 **BEAN:** How and through were did you enter the United States that
3 time?

4 **GOMEZ:** Through Tecate.

5 **BEAN:** How did you enter?

6 00:08:0100:08:01

7 **GOMEZ:** [UI] through the border.

8 **BEAN:** After you were ordered deported, excluded or removed, were
9 you removed by the Immigration Service or did you leave the
10 United States voluntarily?

11 **GOMEZ:** I left through the Immigration Service.

12 **BEAN:** After you were deported, excluded or removed from the
13 United States, have you asked permission to the United States
14 Attorney to be able to re-enter the United States?

15 **GOMEZ:** No.

16 **BEAN:** When did you enter the United States the last time?

17 **GOMEZ:** Five months ago. It has been five months since I entered.
18 September 29 of 2007.

19 **BEAN:** Okay, and after that? When? The, the last time?

20 00:09:0300:09:03

21 **GOMEZ:** Well, right now.

22 **BEAN:** Okay, in the morning?

23 **GOMEZ:** Yes.

24 **BEAN:** Are you afraid that they persecute you or they torture you
25 in your country if you are dried [SIC] from the United States?

GOMEZ: No.

1

2

BEAN: Where were you going today?

3

GOMEZ: To . . . Los Angeles.

4

BEAN: What were you going to do in Los Angeles?

5

GOMEZ: Work.

6

BEAN: Did you know that it was illegal to enter the United
7 States?

8

GOMEZ: Yes.

9

BEAN: Something else at this time that you would like to add or
10 say?

11

GOMEZ: No.

12

BEAN: This concludes the sworn statement. The time is now 1:51
13 p.m.

14 ..

00:09:59 [00:09:59](#)

15

16

17

[The above is an 8 page accurate transcription-translation of the video recorded
18 interview of Luis Manuel Gomez Dominguez from Spanish into English to the best of my
19 knowledge and ability.

20

Certified on June 17, 2008.

21

22

Oscar Gonzales, Interpreter, U.S. Courts Certification No. 00-028.]

23

24

25